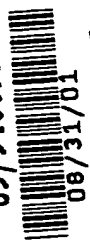



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CERTIFICATE OF EXPRESS MAIL
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DATE OF DEPOSIT : August 31, 2001
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David A. Fischhoff,  
Roy L. Fuchs,  
Paul B. Lavrik,  
Sylvia A. McPherson,  
Frederick J. Perlak

Group Art Unit:

Examiner

Serial No.:

Atty. Dkt. No.: 11899.0195.DVUS01  
(MOBT:195--1)

Filed: August 31, 2001

For: **COLEOPTERAN TOXIN PROTEINS OF  
BACILLUS THURINGIENSIS (Amended)**

**INFORMATION DISCLOSURE STATEMENT**

**BOX: PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This application is a divisional application of Serial No. 09/027, 998, filed February 23, 1998 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) no additional copies of documents are required. The references were previously supplied in connection with serial No. 09/027, 998.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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August 31, 2001

#3 ATTACH

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Form PTO-1449 (modified)	Atty. Docket No. 11899.0195.DVUS01 (MOBT:195-1)	Serial No.
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	Applicant David A. Fischhoff et al.	
	Filing Date: August 31, 2001	Group: 1653
U.S. Patent Documents See Page 1	Foreign Patent Documents See Page 1 -2	Other Art See Page 2-4

11011 U.S. PTO  
09/943692

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	4,766,203	08/23/88	Krieg et al.	424	9893461	
	A2	4,771,131	09/13/88	Hernstadt et al.	536	23.71	
	A3	5,254,799	10/19/93	DeGreve et al.	800	205302	07/23/90
	A4	5,300,629	04/05/94	Casteels et al.	530	326	11/14/91
	A5	5,317,096	05/31/94	DeGreve et al.	536	23.71	02/05/93
	A6	5,338,544	08/16/94	Donovan	424	93.2	
	A7	5,495,071	02/27/96	Fischhoff et al.	800	205302	
	A8	5,500,365	04/19/96	Fischhoff et al.	520435	350418	
	A9	5,516,693	05/14/96	Vaeck et al.	435	320.1	03-04-87
	A10	5,545,565	08/13/96	DeGreve et al.	435	320.1	05-22-95
	A11	5,760,181	06/02/98	DeGreve et al.	530	350	11/06/96
	A12	5,763,241	06/09/98	Fischhoff et al.	800435	1723279	
	A13	5,767,372	06/16/98	DeGreve et al.	800	205302	06/05/95
	A14	5,843,898	12/01/98	DeGreve et al.	514	12	06/05/95

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	0 142 924	5/1985	EPO			
	B2	0 149 162	7/1985	EPO			
	B3	0 193 259	9/1986	EPO			
	B4	0 202 739	11/1986	EPO			

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INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

Form PTO-1449 (modified)		Atty. Docket No. 11899.0195.DVUS01 (MOBT:195--1)	Serial No.
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U.S. Patent Documents See Page 1	Foreign Patent Documents See Page 1 -2	Other Art See Page 2-4	

### Foreign Patent Documents

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	B5	0 206,613	12/1986	EPO		—	
	B6	0 213 818	3/1987	EPO		—	
	B7	0 290 395	11/1988	EPO		—	
	B8	0 292 435	11/1988	EPO		—	
	B9	0 305 275	3/1989	EPO		—	
	B10	0 318 143	5/1989	EPO		—	
	B11	0 116 713	5/1990	EPO		—	
	B12	WO 86/01536	3/1986	WIPO		—	
	B13	0 731 170	9/1996	EPO		—	
	B14	WO 84/02913	8/1984	WIPO		—	
	B15	0 359 472	3/1990	EPO		—	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Adang, M.J., et al., Applications of a Bacillus thuringiensis Crystal Protein for Insect Control, Abstract J20 from <i>Journal of Cellular Biochemistry Supplement 10C-UCLA Symposia on Molecular &amp; Cellular Biology</i> (1986).
	C2	Barton, et al., Bacillus thuringiensis- $\delta$ -Endotoxin Expression in Transgenic Nicotiana tabacum Provides Resistance to Lepidopteran Insects, <i>Plant Physiol.</i> , vol. 85, pp. 1103-1109 (1987).
	C3	Hernstadt, et al., A new Strain of <i>Bacillus thuringiensis</i> with Activity against coleopteran Insects, 6062 <i>Biotechnology</i> , Apr. No. 4, pp. 305-308 (1986).
	C4	Hofte, et al., <i>Microbiological Reviews</i> , vol. 53(2), pp. 242-255 (Jun. 1989).

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Exam. Init.	Ref. Des.	Citation
	C5	Höfte, H., et al., Abstract K86 (no title) from <i>Journal of Cellular Biochemistry Supplement 10C-UCLA Symposia on Molecular &amp; Cellular Biology</i> (1986).
	C6	Höfte, H., et al., Structural and Functional Analysis of a Cloned Delta Endotoxin of <i>Bacillus thuringiensis berliner 1715</i> , <i>Eur. J. Bioche.</i> , 161: 273-280 (1986).
	C7	McPherson, S.A., et al., <i>Biotechnology</i> , vol. 6, pp. 61-66 (1988).
	C8	McPerson, S., et al., Abstract H-44, <i>Abstracts of the Annual Meeting of the American Society for Microbiology</i> (VS), vol. 88, No. O, p. 152 (1988).
	C9	Whiteley, H.R., <i>Ann. Rev. Microbiol.</i> , vol. 40, pp. 549-576 (1986).
	C10	Vaeck, et al., Transgenic plants protected from insect attack, <i>Nature</i> , vol. 328, pp. 30-37 (1987).
	C11	Adang, M.J., et al., The reconstruction and expression of <i>Bacillus thuringiensis</i> cryIIIA gene in protoplasts and potato plants, <i>Plant Molecular Biology</i> , 21: 1131-1145 (1993).
	C12	Bernhard, Studies on the delta-endotoxin of <i>Bacillus thuringiensis</i> var. <i>tenebrionis</i> , <i>FEMS Microbiological Letters</i> 33, pp. 261-265 (1986).
	C13	Klein, T.M., et al., Factors Influencing Gene Delivery into <i>Zea Mays</i> Cells By High-Velocity Microprojectiles, <i>Bio/Technology</i> , Vol. 6, pp. 559-563 (1988).
	C14	Klier, A., et al., Cloning and expression of the crystal protein genes from <i>Bacillus thuringiensis</i> strain <i>berliner 1715</i> , <i>EMBO J.</i> , 1: 791-799 (1982).
	C15	Kozziel, M.G., et al., Field Performance of Elite Transgenic Maize Plants Expressing an Insecticidal Protein Derived from <i>Bacillus thuringiensis</i> , <i>Bio/Technology</i> , vol. 11, pp. 194-200 (1993).
	C16	Krieg, et al., <i>Bacillus thuringiensis</i> var. <i>tenebrionis</i> : ein neuer, gegenüber Larven von Coleopteren wirksamer Pathotyp, <i>Pathotyp. Z. Ang. Ent.</i> , 96: 500-508 (1983).
	C17	Krieg, et al., Neue Ergebnisse über <i>Bacillus thuringiensis</i> var. <i>tenebrionis</i> unter besonderer Berücksichtigung seiner Wirkung und den Kartoffelkäfer ( <i>Leptinotarsa decemlineata</i> ), <i>Ang. Schadlingshde., Pflanzenschutz., Umweltschutz</i> , 57: 145-150 (1984).

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### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C18	Murray, E.E., et al., Analysis of unstable RNA transcripts of insecticidal crystal protein genes of <i>Bacillus thuringiensis</i> in transgenic plants and electroporated protoplasts, <i>Plant Molecular Biology</i> , 16: 103 5-1050 (1991).
	C19	Perlak, F.J., et al., Insect Resistant Cotton Plants, <i>Bio/Technology</i> , vol. 8, pp. 939-943 (1990).
	C20	Perlak, F.J., et al., Modification of the coding sequence enhances plant expression of insect control protein genes, <i>Proc. Natl. Acad. Sci. USA</i> , 88: 3324-3328 (1991).
	C21	Perlak, F.J., et al., Genetically improved potatoes; protection from damage by Colorado potato beetles, <i>Plant Molecular Biology</i> , 22: 313-321 (1993).
	C22	Schnepf, H.E., et al., Cloning and expression of the <i>Bacillus thuringiensis</i> crystal protein gene in <i>Escherichia coli</i> , <i>Proc. Natl. Acad. Sci. USA</i> , 78: 2893-2897 (1981).

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